

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

FILED  
U.S. DISTRICT COURT  
BRUNSWICK DIV.

2012 NOV 29 PM 1:19

CLERK R. Auel  
SO. DIST. OF GA.

SCOTT HINTZ,

Petitioner,

vs.

ANTHONY HAYNES, Warden,

Respondent.

CIVIL ACTION NO.: CV212-176

ORDER

Petitioner has filed a "Motion for Default Summary Judgment(s) With Affidavit In Support." Petitioner states that he is entitled to a default summary judgment because Respondent has not responded to his 28 U.S.C. § 2241 petition for writ of habeas corpus or his "Motion for Bond." The Clerk's record of his case shows that the Court directed service of the petition on November 27, 2012. There is nothing in the record showing that the Respondent and/or the United States Attorney have been served with the petition. Therefore, a response to the petition is not yet due. Additionally, Petitioner's Motion for Bond was denied by Order dated November 27, 2012. Contrary to Petitioner's assertions, he is not entitled to an entry of default against the United States, as "default judgment is not contemplated in habeas corpus cases[.]" Aziz v. Leferve, 830 F.2d 184, 187 (11th Cir. 1987). Petitioner's Motion for Default Summary Judgment is **DENIED**.

SO ORDERED, this 29<sup>th</sup> day of November, 2012.

  
JAMES E. GRAHAM  
UNITED STATES MAGISTRATE JUDGE